

1 GREENBERG TRAURIG, LLP
 2 GREGORY F. HURLEY (SBN 126791)
 3 ALANA R. CHO (SBN 254730)
 4 3161 Michelson Drive, Suite 1000
 5 Irvine, California 92612
 Telephone: (949) 732-6500
 Facsimile: (949) 732-6501
 Email: hurleyg@gtlaw.com; choa@gtlaw.com

6 Attorneys for Defendant
 HOME DEPOT U.S.A., INC.

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8 **UNITED STATES DISTRICT COURT**

9 **SOUTHERN DISTRICT OF CALIFORNIA**

10

11 OUTERBRIDGE ACCESS
 ASSOCIATION, SUING ON BEHALF OF
 12 DIANE CROSS; and DIANE CROSS, an
 individual,

13 Plaintiffs,

14 vs.

15 HOME DEPOT U.S.A., INC. dba THE
 HOME DEPOT #6679; MIRA MESA
 MARKETPLACE WEST, LLC; and DOES
 16 1 through 10, inclusive,

17 Defendants.

18 CASE NO. 08CV 0046 JM JMA

19

20 **NOTICE OF JOINDER AND JOINDER IN
 DEFENDANT MIRA MESA
 MARKETPLACE WEST, LLC'S MOTION
 FOR: THE COURT TO DECLINE
 SUPPLEMENTAL JURISDICTION OVER
 AND TO DISMISS PLAINTIFFS' STATE
 LAW CLAIMS [28 U.S.C. § 1337(c)]**

21 DATE: **March 21, 2008**
 TIME: **1:30 p.m.**
 CTRM: **16**

22 Complaint Filed: 1/25/08
 Trial Date: None Set

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on March 21, 2008, at 1:30 p.m., or as soon thereafter as
 3 counsel may be heard, in Courtroom 16 of the above-entitled Court, located at 940 Front Street, San
 4 Diego, California, 92102, Defendant Home Depot U.S.A., Inc. d.b.a. The Home Depot #6679 will, and
 5 hereby does, join in the motion of Defendant Mira Mesa Marketplace West, LLC for: the Court to
 6 decline supplemental jurisdiction over and dismiss Outerbridge Access Association's and Diane Cross's
 7 state law claims under the California Unruh Civil Rights Act and the California Disabled Persons Act,
 8 pursuant to 28 U.S.C. § 1367(c).

9 This joinder is based upon this notice, all papers submitted by Mira Mesa Marketplace West,
 10 LLC in support of their Motion to Dismiss Supplemental State Law Claims, all pleadings and
 11 documents on file herein, and upon such other and further oral and documentary evidence as may be
 12 presented at or before the hearing on this Motion.

13
 14 DATED: February 22, 2008

GREENBERG TRAURIG, LLP

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 16 By /s/Gregory F. Hurley

17 Gregory F. Hurley
 18 Attorneys for Defendants HOME DEPOT U.S.A., INC.
 d.b.a. THE HOME DEPOT #6679

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the aforesaid county, State of California; I am over the age of 18 years and not a party to the within action; my business address is **3161 Michelson Drive, Suite 1000, Irvine, CA 92612**.

On February 22, 2008, I served the **NOTICE OF JOINDER AND JOINDER IN DEFENDANT MIRA MESA MARKETPLACE WEST, LLC'S MOTION FOR: THE COURT TO DECLINE SUPPLEMENTAL JURISDICTION OVER AND TO DISMISS PLAINTIFFS' STATE LAW CLAIMS [28 U.S.C. § 1367(c)]** with the Clerk of the United States District Court for the Southern District of California, using the CM/ECF System. The Court's CM/ECF System will send an email notification of the foregoing filing to the following parties and counsel of record who are registered with the Court's CM/ECF System:

<p>Pinnock & Wakefield, APC Theodore A. Pinnock David C. Wakefield Michelle L. Wakefield 3033 Fifth Avenue, Suite 410 San Diego, CA 92103 Email: theodore@pinnockwakefieldlaw.com; david@pinnockwakefieldlaw.com; michelle@pinnockwakefieldlaw.com;</p>	<p>Counsel for Plaintiffs OUTERBRIDGE ACCESS ASSOCIATION, SUING ON BEHALF OF DIANE CROSS, and Diane Cross, as an individual</p>
<p>Milberg and De Phillips, P.C. 2163 Newcastle Avenue, Suite 200 Cardiff, California, 92007 Timothy G. McNulty E-mail: tmcnulty@surfnet.com</p>	<p>Counsel for Defendant MIRA MESA MARKETPLACE WEST, LLC</p>

☒ (BY ELECTRONIC SERVICE VIA CM/ECF SYSTEM)

In accordance with the electronic filing procedures of this Court, service has been effected on the aforesaid party(s) above, whose counsel of record is a registered participant of CM/ECF, via electronic service through the CM/ECF system.

(FEDERAL) I declare under penalty of perjury that the foregoing is true and correct, and that I am employed at the office of a member of the bar of this Court at whose direction the service was made.

Executed on February 22, 2008, at Irvine, California.

s/Gregory F. Hurley
GREGORY F. HURLEY